REMARKS

Formal Matters

Claims 13, 15-16, 18-21 and 23-30 are pending after entry of the amendments set forth herein.

Claims 19 and 20 are currently withdrawn from consideration by the Examiner.

Claims 13, 15-16, 18, 21 and 23-28 were examined.

Claims 13, 15-16, 24 and 25 were rejected.

Claims 21, 23 and 26-28 were allowed.

Claim 18 was objected to.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Office Action

Claims Rejected Under 35 U.S.C. Section 103(a) (Jackson in view Woodworth et al.)

In the Official Action of July 15, 2010, claims 13, 15-16 and 24-25 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Jackson, U.S. Patent No. 4,623,335 in view of Woodworth et al., U.S. Patent No. 4,550,747.

The Examiner admitted that Jackson does not discloses a pressure operated valve that is adapted to allow manual selection of the threshold, during use, from a plurality of different pre-set thresholds by manually contacting said apparatus to perform manual selection by manual contact, wherein the threshold pressure levels intermediate of two of any of said discrete, pre-set threshold pressure levels cannot be selected.

The Examiner asserted, inter alia, that Woodworth et al. teaches a pressure operated valve adapted to allow selection of the threshold during use from a plurality of different thresholds by manually contacting said apparatus to perform manual selection by manual contact. The Examiner asserted that the user manually controls the force by manual user input into a computer controlled pressure relief valve.

Applicants respectfully traverse.

The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art, (2) the differences between the claimed subject matter and the prior art, (3) the level of ordinary skill in the art, and (4) and secondary indicia of nonobviousness. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966).

Applicants submit that the deficiencies of Jackson cannot be cured by Woodworth et al., as Woodworth et al. is non-analogous art to the present invention.

Applicants submit that the Federal Circuit has held that non-analogous art has no bearing on an obviousness claim, see *Jurgens v. McKasy*, 927 F.2d 1552, 1559 (Fed. Cir. 1991). Per the recently published Guidelines for KSR, examiners are advised that "When determining whether a reference in a different field of endeavor may be used to support a case of obviousness (i.e., is analogous), it is necessary to consider the problem to be solved." See *In re ICON Health & Fitness, Inc.*, 496 F.3d 1374 (Fed. Cir. 2007).

Applicants respectfully submit that Woodworth et al. does not constitute analogous art, because Woodworth et al. has no pertinent relationship to the problem with which Applicants are concerned. The problem addressed by the Woodworth et al. is that of providing a digitally controlled feedback control loop used to dynamically control pressure of fluid flow in systems used in industrial and manufacturing environments, such as fluid system used in the control of robots, the operation of presses for manufacturing rubber and plastic parts and for tensioning devices in the paper industry, mobile and non-mobile applications, in nuclear reactors, on aircraft and in missiles, and in petroleum refining operations and the like, see column 1, lines 17-27. Woodworth et al. teaches that manually set relief valves are totally inadequate for such operations, see column 1, lines 50-52. The problem solved by the present invention is in the medical arts. It relates to the tissue of an organism, and is provided to ensure that pressurization of a vessel is performed so that damage is not done to the vessel. The pressure is not dynamically adjusted as in Woodworth et al., nor is a feedback loop used to monitor the pressure, nor is the pressure level set, controlled or monitored by a computer.

Further, contrary to the Examiner's assertions, Woodworth et al. specifically discloses that manually set relief valves are totally inadequate, see column 1, lines 50-52. Woodworth et al. discloses that an optimized control algorithm is used to properly select and pulse the appropriate pressure enhancement or pressure reduction solenoid operated valve in order to achieve the desired supply pressure in the operating line, see column 4, lines 51-55.

Column 1, lines 11-15, which were referenced by the Examiner, disclose that the control system

provides a control pressure flow rate or position in either a continuously variable fashion, or by effectuating pressure flow rate or position changes in sequential discrete steps. However, it is does not discloses manual selection, contrary to the Examiner's assertion. Column 5, lines 60-67, which were also referenced by the Examiner, also fails to disclose or suggest manual selection. Contrary to the Examiner's assertions, it is respectfully submitted that Woodworth et al. teaches away from manual selection, indicating that it is totally inadequate, see column 1, lines 44-52.

To further clarify this distinction, Applicants have amended claim 13 above to more clearly recite that the manual selection is by a user contacting at least one of said discrete threshold setting features of said pressure-operated valve to perform the manual selection, by manual manipulation of said feature of said valve. It is respectfully submitted that neither of the cited references teaches or suggests this feature and that Woodworth et al. teaches away from this feature, since a computer-controlled selection is performed via an algorithm and computer control of solenoids, see column 4, lines 50-56.

Accordingly, it is respectfully submitted that claim 13, as amended above, overcomes this ground or rejection. Likewise, it is respectfully submitted that claims 15-16 and 24-25 are also allowable for at least the same reasons provided above with regard to claim 13, since these claims depend from claim 13.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 13, 15-16 and 24-25 under 35 U.S.C. Section 103(a) as being unpatentable over Jackson, U.S. Patent No. 4,623,335 in view of Woodworth et al., U.S. Patent No. 4,550,747, as being inappropriate.

Allowance of Claims 21, 23 and 26-28

Applicants wish to extend their thanks to the Examiner for the allowance of claims 21, 23 and 26-28.

New Claims 29-30

Applicants have submitted new independent claims 29-30 above. Support for these claims can be found, for example, in claims 13 and 21, the descriptions thereof, and throughout the specification and drawings. The Examiner is respectfully requested to indicate the allowance of claims 29-30 in the next Official Action.

Conclusion

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number GUID-134.

Respectfully submitted,

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